

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Ron Stoker, on January 30, 2009 at 8:00 A.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Ron Stoker, Chairman (R)
Rep. Deborah Kottel, Vice Chairman (D)
Rep. Ken Peterson, Vice Chairman (R)
Rep. Arlene Becker (D)
Rep. Gerald Bennett (R)
Rep. Anders Blewett (D)
Rep. Robyn Driscoll (D)
Rep. Bob Ebinger (D)
Rep. David Howard (R)
Rep. Krayton Kerns (R)
Rep. Margaret MacDonald (D)
Rep. Edith (Edie) McClafferty (D)
Rep. Mike Menahan (D)
Rep. Michael More (R)
Rep. Keith Regier (R)
Rep. Diane Sands (D)
Rep. Bob Wagner (R)
Rep. Wendy Warburton (R)

Members Excused: None

Members Absent: None

Staff Present: Jennifer Eck, Committee Secretary
David Niss, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 40, 1/21/2009; SB 91, 1/21/2009

Executive Action: HB 176, HB 228

00:00:37 Rep. Driscoll

HEARING ON SB 91

Opening Statement by Sponsor:

00:01:12 Sen. Carol Juneau (D), SD 8, opened the hearing on
SB 91, Revise waiver of attorney by youth.

[EXHIBIT\(juh22a01\)](#)

00:03:45 Chairman Stoker

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:04:41 Rep. Menahan
00:04:48 Chairman Stoker
00:04:58 Mark Murphy, Chief Criminal Deputy, Yellowstone
Attorney's Office
00:05:09 Rep. Menahan
00:05:39 Mr. Murphy
00:09:04 Rep. Peterson
00:10:04 Mr. Murphy
00:11:13 Rep. Peterson
00:11:13 Chairman Stoker
00:11:17 Rep. Howard
00:11:27 Mr. Murphy
00:12:28 Rep. Howard
00:12:29 Chairman Stoker
00:12:33 Rep. Warburton
00:12:51 Sen. Juneau
00:14:11 Rep. Kottel
00:14:51 Sen. Juneau
00:16:20 Rep. Kottel
00:17:03 Sen. Juneau
00:17:46 Rep. Kottel
00:17:48 Chairman Stoker
00:17:52 Rep. Menahan
00:18:15 Sen. Juneau
00:18:20 Chairman Stoker
00:18:23 Rep. Menahan
00:19:00 Sen. Juneau
00:19:09 Chairman Stoker

Closing by Sponsor:

00:19:30 Sen. Juneau
00:19:53 Chairman Stoker

HEARING ON SB 40

Opening Statement by Sponsor:

00:20:06 Sen. Carol Juneau (D), SD 8, opened the hearing on
SB 40, Clarify friend of respondent in involuntary
commitment laws.

00:23:24 Chairman Stoker

Proponents' Testimony:

00:23:49 Rep. Menahan
00:27:12 Chairman Stoker
00:27:18 Beth Brenneman, Disability Rights Montana
00:29:52 Chairman Stoker

Opponents' Testimony: None

Informational Testimony:

00:30:21 Russell Cater, Department of Health and Human Services
00:31:45 Chairman Stoker
00:31:48 Mr. Cater
[EXHIBIT\(juh22a02\)](#)
00:32:28 Chairman Stoker

Questions from Committee Members and Responses:

00:32:44 Rep. Kerns
00:32:53 Sen. Juneau
00:32:53 Rep. Kerns
00:33:06 Sen. Juneau
00:33:14 Rep. Kerns
00:33:21 Sen. Juneau
00:33:51 Rep. Kerns
00:34:05 Rep. Peterson
00:35:00 Mr. Cater
00:35:35 Rep. Peterson
00:35:53 Mr. Cater
00:36:44 Rep. Peterson
00:36:45 Chairman Stoker
00:36:49 Rep. Sands
00:37:01 Mr. Cater

00:37:59 Rep. Sands
00:38:35 Sen. Juneau
EXHIBIT(juh22a03)
00:41:54 Rep. Sands
00:42:13 Rep. Menahan
00:43:58 Chairman Stoker
00:43:59 Rep. MacDonald
00:44:47 Sen. Juneau
00:46:22 Chairman Stoker
00:46:26 Rep. Becker
00:46:42 Chairman Stoker
00:46:44 Rep. Becker
00:47:41 Mr. Cater
00:48:39 Rep. Becker
00:48:57 Rep. Menahan

Closing by Sponsor:

00:50:37 Sen. Juneau
00:51:19 Chairman Stoker
00:51:43 Mr. Niss
00:54:56 Chairman Stoker

00:54:58 Recess
01:16:07 Reconvene
01:16:08 Chairman Stoker

EXECUTIVE ACTION ON HB 228

01:16:16 **Motion:** Rep. Peterson moved that **HB 228 DO PASS.**
EXHIBIT(juh22a04)

Discussion:

01:16:27 **Motion:** Rep. Kerns moved that **HB 228 BE AMENDED.**

Discussion:

01:17:36 Chairman Stoker
01:17:51 Rep. Kerns
01:18:28 Rep. Kerns called the question.
01:18:50 Chairman Stoker
01:19:23 Mr. Niss
01:20:13 Chairman Stoker
01:20:20 Rep. Kerns
01:20:22 Chairman Stoker

01:20:26 **Vote:** Motion that **HB 228 BE AMENDED** carried
unanimously by roll call vote.

01:21:27 **Motion:** Rep. Peterson moved that **HB 228 DO PASS AS AMENDED.**

01:21:33 **Motion:** Rep. Kottel moved that **HB 228 BE AMENDED.**
EXHIBIT(juh22a05)

Discussion:

01:22:02 Rep. Kottel
01:23:18 Rep. Kerns
01:23:23 Rep. Peterson
01:24:04 Chairman Stoker
01:24:15 Rep. Peterson
01:24:35 Rep. Howard
01:25:01 Chairman Stoker
01:25:06 Rep. Kottel
01:26:08 Rep. Peterson
01:26:39 Rep. Regier
01:26:57 Rep. Kottel
01:27:38 Rep. Warburton
01:28:17 Rep. Kerns
01:28:51 Rep. Peterson
01:29:35 Mr. Niss
01:30:18 Rep. Howard
01:30:57 Chairman Stoker
01:31:04 Rep. Menahan
01:31:38 Chairman Stoker
01:31:46 Rep. Howard
01:31:51 Rep. Menahan
01:32:37 Rep. Peterson
01:33:10 Rep. Kerns called the question.

01:33:14 **Vote:** Motion that **HB 228 BE AMENDED** carried 11-7 by roll call vote with Rep. Sands, Rep. MacDonald, Rep. Ebinger, Rep. Becker, Rep. Driscoll, Rep. Blewett, and Rep. Menahan voting no.

01:35:27 **Motion:** Rep. Peterson moved that **HB 228 DO PASS AS AMENDED.**

01:35:42 Chairman Stoker

01:35:46 **Motion:** Rep. Kerns moved that **HB 228 BE AMENDED.**

Discussion:

01:36:06 Chairman Stoker
01:36:36 Mr. Niss
01:37:55 Chairman Stoker

01:38:13 Rep. Peterson
 01:38:25 Chairman Stoker
 01:38:38 Rep. Kerns called the question.

 01:38:51 **Vote:** Motion that **HB 228 BE AMENDED** carried
 unanimously by voice vote.

 01:39:03 **Motion:** Rep. Peterson moved that **HB 228 DO PASS AS
 AMENDED.**

 01:39:16 **Motion:** Rep. Blewett moved that **HB 228 BE AMENDED.**

Discussion:

01:40:25 Chairman Stoker
 01:40:40 Rep. Blewett
 01:41:58 Chairman Stoker
 01:42:07 Rep. Kottel
 01:45:35 Chairman Stoker
 01:45:37 Rep. Sands
 01:46:10 Chairman Stoker
 01:46:22 Rep. Menahan
 01:47:10 Rep. Sands
 01:47:35 Rep. Menahan
 01:49:12 Rep. Howard
 01:49:37 Rep. Kottel
 01:49:39 Rep. Howard
 01:50:03 Rep. Menahan
 01:50:11 Rep. Howard
 01:50:12 Chairman Stoker
 01:50:24 Rep. Menahan
 01:55:02 Rep. Peterson called the question.
 01:55:09 Rep. MacDonald
 01:55:15 Rep. Menahan
 01:55:16 Rep. MacDonald
 01:56:32 Rep. Menahan
 01:56:35 Rep. Sands exited meeting.
 01:58:26 Rep. Peterson called the question.
 01:58:36 Chairman Stoker
 01:58:40 Rep. Blewett
 01:59:21 Chairman Stoker

 01:59:45 **Vote:** Motion that **HB 228 BE AMENDED** failed 8-10 by
 roll call vote with Rep. MacDonald, Rep.
 Ebinger, Rep. Becker, Rep. Driscoll, Rep. McClafferty,
 Rep. Blewett, Rep. Sands, and Rep. Menahan voting aye.
 Rep. Sands voted by proxy.

02:01:02 **Motion:** Rep. Peterson moved that **HB 228 DO PASS AS AMENDED.**

Discussion:

02:01:17 Chairman Stoker

02:01:22 Rep. Wagner

02:02:17 Rep. Peterson called the question.

02:02:23 **Vote:** Motion that **HB 228 DO PASS AS AMENDED** carried 10-8 by roll call vote with Rep. MacDonald, Rep. Ebinger, Rep. Becker, Rep. Driscoll, Rep. McClafferty, Rep. Blewett, Rep. Menahan, and Rep. Sands voting no. Rep. Sands voted by proxy.

02:03:39 Chairman Stoker

EXECUTIVE ACTION ON HB 176

02:04:00 **Motion:** Rep. Kottel moved that **HB 176 DO PASS.**

Discussion:

02:04:01 Chairman Stoker

02:04:13 Rep. Kottel

02:07:01 Chairman Stoker

02:07:34 Rep. Peterson

02:07:40 Rep. Kottel

02:07:57 **Motion:** Rep. Peterson moved that **A COMMITTEE BILL BE ADOPTED.**

Discussion:

02:08:03 Chairman Stoker

02:08:15 Rep. MacDonald exited meeting.

02:08:20 Rep. Menahan

02:08:38 Chairman Stoker

02:08:44 Rep. Menahan

02:09:49 Chairman Stoker

02:09:58 **Substitute Motion:** Rep. Peterson made a substitute motion that **HB 176 BE TABLED.**

02:10:44 **Vote:** Substitute motion that **HB 176 BE TABLED** carried 13-5 by voice vote with Rep. Becker, Rep. Wagner, Rep. Sands, Rep. MacDonald, and Rep. Kottel voting no. Rep. Sands and Rep. MacDonald voted by proxy.

02:12:49 Chairman Stoker

ADJOURNMENT

02:14:11 Adjournment

JENNIFER ECK, Secretary

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Additional Documents:

EXHIBIT ([juh22aad.pdf](#))